

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q76922	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/644,095	August 20, 2003	
	First Named Inventor		
	Reiko NOMURA		
	Art Unit	Examiner	
	2625	Pawandeep DHINGRA	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number 39,234</p> <p style="text-align: right;"><u>/Kelly G. Hyndman 39,234/</u> Signature</p> <p style="text-align: right;"><u>Kelly G. Hyndman</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>May 12, 2008</u> Date</p>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76922

Reiko NOMURA

Appln. No.: 10/644,095

Group Art Unit: 2625

Confirmation No.: 4961

Examiner: Pawandeep DHINGRA

Filed: August 20, 2003

For: PRINTER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated January 14, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

The Advisory Action dated April 17, 2008 indicates that for purposes of appeal, the amendments proposed March 14, 2008 will be entered. As a Notice of Appeal is being filed concurrently, Applicant directs its arguments to the amended claims.

Claim 18 is the only claim pending in the application. Claims 1-3, 5, 6, 8, 10, 12, 14, were canceled in the October 18, 2007 Amendment; claims 4, 7, 9, 11, 13, and 15-17 were canceled in the March 14, 2008 Amendment.

Response to Rejection under 35 U.S.C. § 103

Claim 18 is rejected under 35 U.S.C. 103 as being unpatentable over Sakamoto et al., US 7,158,243 in view of Shima, US 2002/0001104.

The Examiner's position is that Sakamoto teaches all the elements of the presently claimed printer except print job data including job identification information. The Examiner asserts that it would have been obvious for one of ordinary skill in the art to modify the printing system disclosed by Sakamoto to include the printer for managing plurality of print job data taught by Shima for the benefit of making it possible to "independently manage the respective ones of a plurality of print job data (jobs) thrown in the printer," and that such a modification renders the present claims unpatentable (January 14, 2008 Office Action, p. 10-12).

The Examiner now asserts:

In reply examiner asserts, Sakamoto teaches a printing cancellation unit which cancels the print job during printing operation in response to the printing cancellation request made by the user on the operational panel of the printer. At this point a request is sent to the host to halt the further transmission of the print data related to the said cancelled print job. It is apparent and well-known in the art that each print job has a print ID associated with it, plus, the cancellation instruction also includes the print ID of the print job such that the computer or host be notified that printing of the particular print job has been cancelled by the instruction from the operation panel. This therefore, causes the (apparent) the host to check if the cancellation request with print job ID received from the printer corresponds to the current print job data being supplied to the printer, and accordingly halt the further transmission of the print data from host to the printer. Note that control code is searched in the printing data to determine the mark in the data at which cancellation request was made, and that end mark attached to job data is then transmitted to the printer as an initialization request to the printer (see figures 2-3 & 13-14, and column 3, lines 15-45, column 4, lines 35-63, column 5, lines 1-46, column 9, lines 17-63, column 10, lines 1-64).

The Examiner's contention is unsupported by the evidence, as Applicant will now explain.

If "[i]t is apparent and well-known in the art that each print job has a print ID associated with it" then why is this supposed fact not mentioned in either of the prior art documents relied upon by the Examiner? If "plus, the cancellation instruction also includes the print ID of the print job such that the computer or host be notified that printing of the particular print job has been cancelled by the instruction from the operational panel" then where is such a teaching or suggestion in the applied prior art documents?" If it is true that "[t]his therefore, causes the (apparent) host to check if the cancellation request with print job ID received from the printer corresponds to the current print job data being supplied to the printer, and accordingly halt the further transmission of the print data from host to the printer" then why is this "truth" not in evidence?

The Examiner points with some interest to "[n]ote that control code is searched in the printing data to determine the mark in the data at which cancellation request was made, and that end mark attached to job data is then transmitted to the printer as an initialization request to the printer" Is a control code the same as a print job ID? Certainly not - a control code is not a job ID and the prior art simply does not teach any correspondence between the two.

Therefore, Applicant disagrees with the Examiner's position and respectfully submits that Sakamoto in view of Shima does not teach or suggest all the limitations of claim 18.

In particular, Sakamoto does not disclose causing the host "to determine if a current print data corresponds to the print job ID, and to, when the current data corresponds to the job ID, halt transmission of the print data for said print job, attach said job end command to the current print job data, and transmit said job end command to said printer" as presently claimed.

Even if it were true that Sakamoto discloses determining whether or not printing has been completed (column 4, lines 35-36), determining whether or not a notification of job cancellation has been received (column 4, lines 44-49), determining whether or not generation of print data has been completed (column 5, lines 7-8), and determining whether or not the job of the notification of cancellation corresponds with the currently-processed job (column 5, lines 19-20), Sakamoto still fails to disclose determining “if a current print data corresponds to the print job ID, and to, when the current data corresponds to the job ID, halt transmission of the print data for the print job, attach the job end command to the current print job data, and transmit the job end command to the printer.”

Shima fails to remedy the deficiency of Sakamoto in this regard.

Neither Sakamoto nor Shima disclose that the host checks if the print job ID of the data cancellation request corresponds to the current print data which the host generates, and when the print job ID corresponds to the current print data, the host stops transmission of the print data and transmits the job end comment to the printer. That is to say, since Sakamoto does not teach or suggest the above-identified express requirement of the claim, and since Shima does not teach or suggest it either, where does such a teaching or suggestion come from? Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 18.

Applicant therefore respectfully requests withdrawal of this rejection.

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Attorney Docket No. Q76922

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Date: May 12, 2008